THE BOMBAY LIFTS ACT, 1939.

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BOMBAY ACT No. X OF 1939.[1]

[THE BOMBAY LIFTS ACT, 1939.]

[*17th May 1939*]

Amended by Bom. 17 of 1945.[2]
,, ,, ,, 32 of 1955.

An Act to provide for the regulation of the construction, maintenance and safe working of certain classes of lifts and all machinery and apparatus pertaining thereto in the Province of Bombay.

WHEREAS it is expedient to provide for the regulation of the construction, maintenance and safe working of certain classes of lifts and all machinery and apparatus pertaining thereto in the Province of Bombay in manner hereinafter, appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Lifts Act, 1939.

Extent and commencement.

2. (*1*) This Act shall extend to the whole of the [3][State] of Bombay.

(*2*) It shall come into force on such date as the [4][State] Government may, by notification in the *Official Gazette*, appoint.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " Inspector of Lifts " means an officer appointed as such by the [4][State] Government.

(*b*) " License " means a license granted under section 5.

(*c*) " Lift " means a hoisting mechanism equipped with a [5][car] which moves in a substantially vertical direction, is worked by power and is [6][designed to carry passengers or goods or both].

[7]* * * * * * * *

[8][(*d*) " Lift car " means the cage or car of a lift used whether for the conveyance of passengers or goods or both and includes the floor or platform, car frame, sling and enclosing body work but shall not include a hoist or lift to which the Factories Act, 1948, applies.]

LXIII of 1948.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1938, Part V, p. 665 *or* Bombay Legislative Assembly Debates, 1939, Vol. 5, p. 3465 *or* Bombay Legislative Council Debates, 1939, Vol. 6, p. 777. For Report of the Select Committee, *see Bombay Government Gazette*, 1939, Part V, pp. 179-182. For Proceedings in Assembly *see* Bombay Legislative Assembly Debates, 1939, Vol. 5, pp. 73-75, 2269, 3075 and 3201-3203 and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1939, Vol. 6, pp. 622-626.

[2] This Act was repealed and re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

[3] This word was substituted for the word " Province " by the Adaptation of Laws Order, 1950.

[4] This word was substituted for the word " Provincial ", *ibid.*

[5] This word was substituted for the word " cage " by Bom. 32 of 1955, s. 2 (*1*) (*a*).

[6] These words were substituted for the words " designed or is actually used to carry passengers " *ibid.*, s. 2 (*1*) (*b*).

[7] The Explanation was deleted, *ibid.*, s. 2 (*1*) (*c*).

[8] This clause was substituted for the original clause, *ibid.*, s. 2(*2*).

(*e*) " Lift installation " includes the lift [1][car], the lift way, the lift way enclosure and the operating mechanism of the lift and all ropes, cables, wires and plant, directly connected with the operation of the lift.

(*f*) " Lift way " means the shaft in which the lift [1][car] travels.

(*g*) " Lift way enclosure " includes any permanent substantial structure surrounding or enclosing the lift way.

(*h*) " Power " means any form of energy which is not generated by human or animal agency.

(*i*) " Prescribed " means prescribed by rules.

(*j*) " Rules " means rules made under section 12.

Permission to erect a lift.

4. Every owner of a place intending to install a lift in such place after the commencement of this Act, shall make an application to such officer as the [2][State] Government may authorize in this behalf for permission to erect such lift. Such application shall be in writing and in such form as may be prescribed. Such application shall specify—

(*1*) the type of the lift,

(*2*) the rated maximum speed of the lift,

(*3*) the maker's or designer's rated capacity in weight,

(*4*) the maximum number of passengers in addition to the lift operator which the lift can carry,

(*5*) the total weight of the lift [3][car] carrying the maximum load,

(*6*) the weight of the counterweight,

(*7*) the number, description, weight and size of the supporting cables,

(*8*) the depth of the pit from the lowest part of the [3][car] when at the lowest floor,

(*9*) such details of the construction of the overhead arrangement with the weight and sizes of the beams as may be prescribed, and

(*10*) such other particulars as may be prescribed.

On receipt of such application the officer authorised under this section shall, after making such enquiry and requiring the applicant to furnish such information as may be necessary, forward the application with his remarks to the [2][State] Government. The [2][State] Government may thereupon either grant or refuse the permission. Such permission shall be valid only for a period of six months from the date on which it is granted.

Licence to use a lift.

5. (*1*) Every owner of a place who is permitted to install a lift under section 4, shall, within one month after the completion of the erection of such lift deliver or send or cause to be delivered or sent to such officer as the [2][State] Government may authorise in this behalf notice in writing of such completion and shall make an application to him for a licence for working the lift.

(*2*) An application for a licence made under sub-section (*1*) shall be in such form as may be prescribed.

(*3*) On receipt of such application such officer as may be authorised in this behalf by the [2][State] Government after making such enquiry as may be necessary forward the application with his remarks to the [2][State] Government. The [2][State] Government may, thereupon, either grant or refuse the licence.

(*4*) A fee of Rs. 20 shall be paid along with such application.

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[1] This word was substituted for the word " cage " by Bom. 32 of 1955, s. 2 (*3*).

[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[3] This word was substituted for the word " cage " by Bom. 32 of 1955, s. 3.

Applications for licence in case of existing lifts.

6. (*1*) Notwithstanding anything contained in sections 4 and 5 every owner of a place in which a lift has been installed before the date of the commencement of this Act, shall within two months from such date apply for a licence for the working of such lift.

(*2*) The provisions of sub-sections (*2*) to (*4*) of section 5 shall, so far as may be apply to such application.

Lift not to be operated without a licence.

7. Subject to such rules as may be made in this behalf no lift shall be worked except under and in conformity with the terms of the licence granted in respect of the same :

Provided that nothing in this section shall apply to a lift installed at the date of the commencement of this Act, for a period of two months from such date or if an application for licence is made within that period in accordance with the provisions of section 6, until such application is finally disposed of under the said section.

Additions and alterations to the lift installation.

[1][**7A.** No additions or alterations other than those required to be made under sub-section (*2*) of section 8, shall be made to any lift installation except with the previous permission in writing of an officer authorised in this behalf by the State Government.]

Right to enter any building for inspection of lifts and lift installation.

8. (*1*) An officer authorized in this behalf by the [2][State] Government may at any time after giving reasonable notice to the occupant enter upon any building in which a lift is installed or is being installed or in connection with which an application for a license has been received, for the purpose of inspecting the lift or the lift installation or the site thereof.

Order for repairs, alterations to and discontinuance of lifts in an unsafe condition.

(*2*) If on such inspection the officer is of the opinion that any lift in any building is in an unsafe condition, he may issue an order on the owner of the building [3][or his agent appointed under sub-section (*2*) of section 9] requiring such repairs or alterations to be made to such lift as he may deem necessary within the time specified therein and may also, if necessary, order the use of such lift to be discontinued until such repairs or alterations are made or such unsafe condition is removed. [4][The owner or his agent, as the case may be, shall thereupon comply with the order within the period specified therein and shall forthwith report in writing to the officer of having so complied.] [5]* * * * *

[6][(*3*) Any person aggrieved by an order of the officer under sub-section (*2*) may, within thirty days from the date of such order, appeal to the State Government.

(*4*) Notwithstanding any appeal made to the State Government under sub-section (*3*), any order to discontinue the use of a lift made by the officer under sub-section (*2*) shall be complied with, unless the State Government has suspended such order.

(*5*) The order made by the officer under sub-section (*2*), subject to an appeal to the State Government and the decision of the State Government on the appeal shall be final.]

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[1] Section 7A was inserted by Bom. 32 of 1955, s. 4.
[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[3] These words were inserted by Bom. 32 of 1955, s. 5(*1*) (*a*).
[4] This portion was inserted, *ibid.*, s. 5(*1*) (*b*).
[5] The portion beginning with the words " An appeal shall lie " and ending with the words " shall be final. " was deleted, *ibid.*, s. 5(*1*) (*c*).
[6] These sub-sections were inserted, *ibid.*, s. 5 (*2*).

Owner to give facilities for inspection.

[1][8A. The owner of a building in which a lift is installed or his agent appointed under sub-section (*2*) of section 9 shall afford all reasonable facilities to the officer for inspecting a lift under section 8 and whenever ordered to do so by the officer shall, at his own cost, procure at such inspection, the attendance of the person, if any, with whom he has entered into a contract for the erection or maintenance of the lift or a representative of such person who is competent to guide the officer in inspecting the lift.]

Report of accidents.

9. (*1*) Where any accident occurs in the operation of any lift [2][which results or was likely to result] in injury to any person the owner of the building in which the lift is working or if such owner has appointed an agent and has communicated his name to the Inspector of Lifts under sub-section (*3*), such agent shall as soon as may be after such accident give notice with full details of the accident to the Inspector of Lifts and also in [3][the Greater Bombay] to the Commissioner of Police and elsewhere to the District Magistrate and [4][the lift installation shall not be interfered with in any way and] the working of such lift shall not be resumed except with the written permission of the officer authorised in this behalf by the [5][State] Government.

(*2*) For the purposes of sub-section (*1*), the owner of every building in which a lift has been installed may and if such owner does not reside in such building, shall appoint an agent who shall be a resident in the town or village in which the building is situate to give notice of any accident occurring in the operation of the lift.

(*3*) The name of every agent appointed under sub-section (*2*) shall be communicated to the Inspector of Lifts.

Delegation of the powers of Government.

10. The [5][State] Government may delegate any of the powers conferred on it by or under this Act to such officer as it thinks fit.

Inspection of lifts.

11. Every lift shall be inspected at least once in six months by an officer authorised in this behalf by the [5][State] Government. An annual fee of Rs. 15 shall be charged for such inspection and such fee shall include the charges for the inspection of the motor.

Recovery of fees.

[6][11A. All sums payable as fees under this Act shall be recoverable as arrears of land revenue.]

Powers to make rules.

12. (*1*) The [5][State] Government may, from time to time by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

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[1] Section 8A was inserted by Bom. 32 of 1955, s. 6.
[2] These words were substituted for the word " resulting " *ibid.*, s. 7(*1*).
[3] These words were substituted for the words " the City of Bombay " by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.
[4] These words were inserted by Bom. 32 of 1955, s. 7(*2*).
[5] This word was substituted for the word " Provincial " by the Adap ation of Laws Order, 1955.
[6] Section 11A was inserted by Bom. 32 of 1955, s. 8.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for the following matters, namely :—

(*a*) specifications for lifts,

(*b*) the manner in which erection plans of lifts shall be submitted,

(*c*) the manner in which the lifts may be tested,

(*d*) the form of application for the erection of a lift or a licence for working the same,

(*e*) the terms and conditions subject to which and the form in which the licenses may be granted for the working of a lift under section 7,

(*f*) the manner in which and the terms subject to which the lifts shall be worked under section 7,

(*g*) the manner in which notice of accidents shall be given and the form of such notice, and

(*h*) the form of notice to be given under section 8.

13. Whoever contravenes any of the provisions of this Act, rules or conditions of a license or a direction given by the Inspector of Lifts under this Act or the rules shall, on conviction, be punishable with a fine which may extend to five hundred rupees and, in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention. **Penalty.**

[1][**13A.** (*1*) Every notice, order or document by or under this Act required or authorised to be addressed to any person may be served by post or left,— **Service of notices, orders or documents.**

(*a*) where a local authority is the addressee, at the office of the local authority ;

(*b*) where a company is the addressee, at the registered office of the company or in the event of the registered office of the company not being in India, at the head office of the company in India ;

(*c*) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(*2*) Every notice, order or document by or under this Act required or authorised to be addressed to the owner or the agent of the owner, or the occupant of any premises shall be deemed to be properly addressed, if addressed by the description of the 'owner' or 'agent of the owner' or 'occupant' of the premises (naming the premises) and may be served by delivering it or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

13B. No suit, prosecution or other legal proceedings shall be instituted against any officer for anything which is in good faith done or intended to be done under this Act. **Protection for acts done in good faith.**

[1] Sections 13A, 13B and 13C were inserted by Bom. 32 of 1955, s. 9.

Application of Act to lifts belonging to Government.

13C. The provisions of this Act shall apply to lifts installed by Government and in the application of the said provisions to such lifts, the said provisions shall be deemed to have been adapted or modified as follows :—

(*1*) In sub-section (*1*) of section 6, for the words beginning with the words 'every owner' and ending with the words 'apply for a licence' the following shall be substituted, namely :—

'an application for a licence shall be made by Government which has or on whose behalf a lift has been installed before the commencement of the Bombay Lifts (Amendment) Act, 1955, within two months from the said date';

Bom. XXX of 1955.

(*2*) In the proviso to section 7, after the words 'the commencement of this Act' the following shall be inserted, namely :—

'or to a lift installed by Government before the commencement of the Bombay Lifts (Amendment) Act, 1955';

Bom. XXX of 1955.

(*3*) In section 8,—

(*a*) in sub-section (*3*), for the words 'the State Government' the words 'the appellate authority appointed in this behalf by the State Government' shall be substituted;

(*b*) in sub-sections (*4*) and (*5*), for the words 'the State Government', wherever they occur, the words 'the appellate authority' shall be substituted;

(*4*) In sub-section (*2*) of section 9, for the words beginning with the words 'the owner of every building' and ending with the words 'in such building', the following shall be substituted, namely :—

'for every building in which a lift has been installed by Government, Government';

(*5*) Section 13 shall be deleted;

(*6*) For clause (*a*) of sub-section (*1*) of section 13A, the following shall be substituted, namely :—

'(*a*) where Government is the addressee, at the office of the agent appointed by such Government under sub-section (*2*) of section 9;'.]

Saving.

14. Nothing contained in this Act shall affect the provisions of the Indian Electricity Act, 1910, or any rules made thereunder.

IX of 1910.